tion 169) release the person on bail or his own recognizance (according to circumstances) and report the case for the orders of the Magistrate.

When the investigation is complete, and the case is ready to send up for trial, the Police make out a chálán (as it is popularly called), a sheet specifying the names, nature of case, dates, names of witnesses, and so forth, and either the accused accompanies in custody, or on bail or recognizance to appear. (Section 173.)

Witnesses and the complainant execute recognizances to appear before the Magistrate for the trial when called on: and witnesses are not to be accompanied to Court by the Police, or otherwise restrained, unless the witness refuses to attend or declines to sign the recognizance, when he may be forwarded in custody to the Magistrate. (Sections 170-1.)

## Section III.—Cases on Complaint direct to Magistrate.

### § 1.—*Non-cognizable Cases.*

Non-cognizable offences cannot be enquired into by the Police without a special order of a qualified Magistrate. (Section 155, clause 2.)

If complaint is made of such to the Police they will note the substance of the complaint in their diary and refer the complainant to the Magistrate. (Section 155, clause 1.) Thus in non-cognizable cases, as a rule, the Criminal Court takes up the matter direct, on a complaint being made to it. This is probably because the cases of this class are generally more simple, and the complaint and the evidence proposed to be brought sufficiently explain the case. If they do not, and the matter appears to require sifting before the trial begins, an order to investigate must be issued.

Thus in all cognizable cases there is a chálán of the Police, on the basis of which the Magistrate proceeds to try the case (section 170); but in non-cognizable cases, there being no chálán, either some one must make a complaint (191 *a*), or the Police must make a report (191 *b*), or the Magistrate must himself suspect an offence and take steps to institute proceedings (191 *c*.).

§ 2.—*What Magistrates can entertain Complaints.*

It must be recollected that only a District Magistrate, a Subdivisional Magistrate, and a Magistrate specially empowered, can *entertain complaints*. There are also a number of cases in which a prosecution cannot be begun without sanction of some authority. For example, a prosecution for giving false evidence cannot be taken in hand without the sanction of the court before which the evidence is given (see sections 195-9).

§ 3.—*Procedure on Complaint.*

Supposing, however, the Magistrate to be qualified, the first step is to examine the complainant (section 206), and get the complainant to sign this examination when recorded.

Then the Magistrate may either at once issue his process to compel attendance, or first direct an enquiry, by the Police, or by some subordinate officer. (Section 202.)

If, on examining the complainant, there seems to be no case, the complaint may be dismissed, but this will not prevent subsequent proceedings (*e.g.*, if new evidence is found).

For the purpose of proceeding in any case in which the accused is not already before the Magistrate, in custody of Police, or on bail to appear, there will either be a *summons* issued or a *warrant*.

§ 4.—*'Summons' and 'Warrant' Cases.*

Those cases which are punishable with fine only, or with imprisonment for a period not exceeding six months (consequently all offences charged under the Forest Act, except those grave ones mentioned in section 62), are called "summons cases," and a *summons* is the process used to get hold of the accused. [Unless indeed he is about to abscond, when the Magistrate *may* issue a warrant at once.] (Section 204.) A warrant also issues if the summons is not obeyed (section 92.)

Graver cases are called "warrant cases," because ordinarily a *warrant* is issued at once [though the Magistrate *may* issue a summons if he thinks it sufficient to do so.] (Section 204[8].)

[8] The student will thus perceive that Forest cases, as a rule, are cognizable, as the Police may arrest without warrant. If not so dealt with, but a complaint is made to